

REMARKS

Claims 1 – 6 are pending and under consideration in the above-identified application.

In the Final Office Action, Claims 1 – 6 were rejected.

In this Amendment, Claim 1 has been amended. No new matter has been introduced as a result of this Amendment.

Accordingly, Claims 1 – 6 remain at issue.

I. Double Patenting

Claims 1, 4, 5, and 6 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 4, 10, and 11, respectively, of copending Application No. 10/805,207.

Without acquiescing in the merits of the rejection, Applicant reserves the right to file an appropriate Terminal Disclaimer upon the issuance of the '207 copending application. The rejection thus has been overcome.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims 1, 2, 4, 10, 11, and 13

Claims 1, 2, 4, 10, 11, and 13 are rejected under 35 U.S.C 103 (a) as being unpatentable over Tsuchiya (U.S. Publication No. 2001/0038716) in view Nakajima (U.S. Publication No. 2004/0008902).

Claim 1 is directed to a signal processing apparatus.

In relevant part, Claim 1 recites:

“...flag setting unit for calculating a difference in levels between the signal of attention and a neighbouring signal, judging whether or not the difference is larger than a predetermined threshold value, and raising flags for the neighbouring signal and another neighbouring signal, the two neighbouring signals arranged symmetrically with respect to the signal of attention, when the difference is judged to be larger than the predetermined threshold value...”

That is, a flag is raised for each of two neighbouring signals, symmetrically arranged about the signal of attention, when a difference in levels between the signal of attention and one of the neighbouring signals is larger than a predetermined threshold value.

This is clearly unlike Tsuchiya and Nakajima, taken singly or in combination with each other.

The Examiner acknowledged that Tsuchiya fails to disclose raising flags for the

neighbouring signal and a neighbouring signal which are arranged symmetrically with respect to the signal of attention, but asserted that Nakajima allegedly does and points to paragraphs [0034] and [0042] for support.

However, Nakajima discloses in these two paragraphs that (emphasis added):

“[0034] Moreover, pixels at point-symmetric positions about the watched pixel o are combined among the above peripheral pixels a to h. That is, peripheral pixels a and h, b and g, c and f, and d and e are respectively combined. Then, signals output from the comparators 11 are supplied to four AND circuits 12. *Thereby, the value "1" is output from the AND circuits 12 when both of absolute values of differences between level values of combined pixels and the watched pixel are smaller than the reference level Θ .*”

“[0042] Therefore, in the case of the above embodiment, by combining pixels at point-symmetric positions about a watched pixel and using only pixels which are both selected and thereby performing the averaging operation, *an averaged signal phase is not deviated from the original position of the watched pixel* and moreover, the possibility that generated image edges are disordered can be canceled.”

That is, Nakajima discloses that the value 1 is output (raising a flag) from the AND circuits 12 when both of absolute values of differences between level values of combined pixels at point-symmetric positions and the watched pixel are smaller than the reference level Θ and an averaging operation is performed, rather than raising flags for two symmetrically arranged neighbouring signals when the difference in levels between the signal of attention and one of the two neighbouring signals is judged to be larger than the predetermined threshold value, as required by Claim 1.

Thus, Tsuchiya and Nakajima may not properly be combined to reject Claim 1. Therefore, Claim 1 is patentable over these two references, as are dependent Claims 2 – 6, for at least the same reasons.

Accordingly, Applicant respectfully requests that these claim rejections be withdrawn.

